

TO: Planning Commission Members
 Honorable Mayor and City Council Members
 FROM: Paul Kenaga, Zoning Administrator
 DATE: August 7, 2014
 RE: Meeting Minutes
 Tuesday, August 5th, 2014

The Planning Commission met at 5:15 p.m., on Tuesday, August 5th, 2014, in the City Council Chambers at City Hall. The following members were present: Donald Smith, Jerry Steffes, Dave Hanifl, Linda Larson, Patty Dockendorff, Mani Edpuganti. Ex-officio members John Graf and Shawn Wetterlin were in attendance. Richard Wieser, Bill Waller and Skip Wieser were not present. Paul Kenaga was also in attendance

1. Meeting was called to order by Chairman Smith and roll call taken. The minutes of July 8th, 2014 were approved with the following changes:

1. Item #2, the requested zoning change for 201 North Elm Street was recommended that the City Council accept the letter of withdrawal from the applicant. Upon a roll call vote, all members present voted in favor of the motion as proposed.
2. Item #3, the motion that the requested new attached garage and house addition was approved by all members present voted in the following order with the majority of the Planning Commissioner's voting for the motion as proposed.
 - Wieser – Yes
 - Hanifl – Yes
 - Steffes – Yes
 - Larson – Yes
 - Dockendorff – No
 - Edpuganti – Yes
 - Chairman Smith -- Yes

2. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 3, 2014 at 5:20 o'clock P.M. to consider Itinerant Merchants, Peddlers, Solicitors and Garage or Yard Sales according to the La Crescent City Code.

Public Hearing opened. Mr. Smith indicated that the Council was advised of the initial draft and asked if the Council wished that we proceed to finalize regulation related to yard and garage sales in residential neighborhoods. The approach the Planning Commission is taking is adding, in the Zoning Ordinance, 'Yard and Garage Sales' as a permitted use in residential neighborhoods.

The following residence had comments for the Planning Commission:

Tom Fuchsel, 205 North Chestnut was concerned that his commercial renter would be affected by the garage and yard sale regulation. Mr. Smith responded that the regulation adds and defines a permitted use in residential districts. His is in a commercial district.

Daniel Lintin, 520 South 7th Street purchases household items at auction and sells them again at a garage sale wanted to know if his activity would be permitted. Mr. Smith told him as long as they were typical household items it should not be a problem. But if he was running a flea market shop and bringing in large quantities of items it would be inconsistent with the spirit of the permitted use. This satisfied Mr. Lintin except that he prefers not to have regulation.

Judy Storlie, 28 South Elm was concerned with the Brat sales that the lions Club, Relay for Life and Apple Fest have each year on her property. Mr. Smith told her that this concern will be addressed at the next meeting.

A question was raised about selling agricultural products raised offsite. Since crops ripen on an ongoing basis it didn't seem to fit with 2/times a year garage sale; if it is large quantities sold at a home might it not be more appropriate as a home occupation; or even more realistic is this not better suited for the farmers market?

Garage and yard sales.

Situation: There is general agreement that in the City retail or wholesale sales is undesirable and generally not permitted. There are few occasions where current language is unclear or ambiguous but there is an opportunity to avoid future confusion.

Options: Many cities choose to regulate garage and yard sales through ordinances that require a permit and set certain standards. Given the few number of complaints it seems a 'permitting' system is regulatory 'overkill' and wasteful of the time of city staff. This option is always available should issues persist.

It is proposed that La Crescent clarify a few rules under the assumption that substantial regulation is not warranted. Such rules will be clarifications to the zoning ordinance and may require adjustment to other regulation. Such other changes as might be required will occur after agreement is achieved on these basic regulations.

8/5/14 for consideration of the Planning Commission.: DRAFT

Garage and Yard sales: Additional 'permitted use' language in Residential Districts.

Garage sales are a permitted use in all residential districts on a property on which a principal dwelling is located, with the permission of the property owner (when the home is non owner occupied) and under the following conditions:

1. Goods and equipment displayed shall be only those items owned by and part of normal household effects of the occupant(s) of the premises on which the sale is held. Agricultural products shall not be sold unless raised on site. Continuous sale of agricultural product grown on site, like berries, shall be permitted if there is no related sign unless otherwise approved as a home occupation
2. The goods shall not be displayed or sold in the public right-of-way, nor after sundown.
3. No sale shall last more than three consecutive days, nor be repeated on the same premises more frequently than two per year.
4. A maximum of six garage sale signs shall be permitted; each may be no more than two square feet in area. The signs may be posted on premises, other than those of the sale, with the explicit permission of the owner of those premises but may not be posted in a public right-of-way or on a structure on a right-of-way. Signs may be posted only during daylight hours and must be removed at the termination of the sale.
5. Group sales are permitted and neighborhood coordination of garage and yard sales is encouraged. Such group sales shall offer for sale only those items owned by and part of the normal household effects of the participating neighbors. And, it shall be unlawful to participate in more than 4 garage sales in one year.
6. Sales of cooked or uncooked food products shall be regulated and require a permit as defined elsewhere in City Ordinances. De minimis sales by children under the age of 12 of such things as kool-aide or lemonade shall not presently be regulated.

This topic and public meeting will be held over to the next regular meeting in September at which time the ordinances for Itinerant Merchants and Peddlers will be available for review.

3. The Planning Commission of the City Zoning Authority held a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, August 8, 2014 at 5:40 o'clock P.M. to consider the application for a conditional use permit to allow a home occupation for a clinical massage therapist in an R-1A zoned district. The conditional use request concerns certain premises situate in said City described as follows, to wit: parcel number 25.0587.000, better known as 503 South 10th Street.

Public Meeting was opened for comment. The applicant was the only person requesting to speak.

Planning Members held discussion with Kellie Kettigan concerning all of the restrictions for a Home Occupation according to 12.10, Subd. 9 of the Zoning Ordinance. Ms. Kettigan stated that all of the restrictions will be following including all parking on premises (driveway).

Motion by Steffes, seconded by Dockendorff to recommend to the City Council to approve the Conditional Use Permit for a Home Occupation with the following condition:

1. Ms. Kettigan shall at all times be licensed and be in compliance with all of the stipulations of section 114.02 of the City Code for a Massage Therapist.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

The Planning Commission in making its finding referenced the following findings of fact:

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
- B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- C. That adequate measures have been or will be taken and patrons will be directed to park in the driveway.
- D. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- E. The use is not in conflict with the policies of the City of La Crescent.

4. The Planning Commission had a Review of the purchase of the Stoney Point Property and determined compliant and consistent with the Comprehensive plan.

Motion Steffes, seconded by Larson to relay to the City Council that the Planning Commission of La Crescent finds that “the City’s proposed purchase of the approximately 65 acre parcel, often referred to as Stoney Point, is consistent with the adopted Comprehensive Plan of the City of La Crescent” and was approved by all members present voted in the following order with the majority of the Planning Commissioner’s voting for the motion as proposed with the following condition:

1. The Planning Commission conditions the finding that future development of the land preserves the special scenic qualities, mostly above 860 feet, and that lands lying below 860 feet be considered for the development of a significant number of homes in such fashion as respects the sensitive nature of bluff side development, storm water management and the need for residential development.

Hanifl – No

Steffes – Yes

Larson – Yes

Dockendorff – Yes

Edpuganti – Yes

Chairman Smith – Yes

In reaching this conclusion the Planning Commission notes the following findings of fact:

1. Guiding Principle from the Comprehensive Plan is: “The unique environment along the Mississippi River is an integral feature that should be reflected in future growth. Bluff features and river corridors should be preserved for all to enjoy.”
2. The area can be served by City sewer and water. “All single-family residential areas would be served with typical city utility service including water, sanitary sewer, and storm sewer facilities.”
3. There is a recognized need in the comprehensive plan for residential development to grow the city’s population and accommodate families to patronize local businesses and children to maintain strong schools.
4. The Park and Recreation Plan can be enhanced by the aggregation of a portion of this land to Vetch Park for access to bluff land and bluff top hiking. Such lands can be used to “enhance residential neighborhood character, protect natural resources and provide opportunities for recreational activity”.
5. That “urban infill”, within the existing boundaries of the City, is a proper way to provide additional land for city growth. “New residential development is targeted in areas that allow for logical community growth.” This minimizes suburban sprawl and minimizes the need to annex township lands.
6. That to insure continued fidelity with the comprehensive plan it is expected that any development, even if the City serves as developer, will follow the prescribed ‘rules of development’ including preliminary and final plat reviews by the Planning Commission and the City Council.

5. Annexation discussion.

The Planning Commission had discussion concerning the “Proposed Areas considered for Annexation.”

Chairman Smith related the discussion and direction of the City Council based on their meeting of July 28th. The Council is intending to take action on annexations of properties that can be easily served with City services and are generally entirely or substantially by City property. That these intended annexations are necessary to bring the population of La Crescent to over 5000. Such population is required to continue to receive State Aide for Streets in the amount of \$250,000 annually. It was noted that most township residents generally travel city streets to and from their homes. The City staff and attorney will meet with County officials informally to determine if there is an opportunity to make this an orderly annexation. Otherwise the City can quickly proceed to annex these properties.

The City of La Crescent has three phases for annexation discussion:

1. City can annex generally surrounded properties and gain 5000 in population.

2. The City will ask the engineer to estimate costs for extending utilities to already developed neighborhoods at the City's edge. The City Council will consider annexation of properties based on cost and other criteria. This would be intended to keep the population over 5000.
3. The Planning Commission will look at the longer term need for land for future development and expansion of the City and make recommendations to the City for potential annexations. If the status of these lands and the availability of City services is more clear it might be easier as we look to interest developers in preparing land for residential development.

Mr. Smith noted page 22 of the Comprehensive Plan that projects population growth and referenced the LAPC and their recent projections for growth of the 2 state region. Such annexations might be part of orderly annexation agreements or requested by the property owners.

The LAPC will be invited to the next meeting to highlight growth projections. This topic is timely noted Mr Smith as with the completion of the Dresbach bridge will come much additional traffic (with free flow lanes in each direction) and no major north/south corridor improvements in La Crosse. This would be the time to ensure residential development for families essential to grow the community, support local businesses and ensure school age children in the community to keep our schools strong.

Paul will see that all members have a copy of the comprehensive plan and members are asked to bring it to future meetings along with their zoning manuals.

NOTE: Mr. Smith will send education opportunities to Kenaga to forward to the newer committee members and Paul will get registration numbers from the League for the online training.

6. Motion made by Edpuganti, seconded by Dockendorff to adjourn the meeting at approximately 7:25 P.M. Rental registration discussion will be on the September agenda.